Bureau of Indian Education Advisory Board for Exceptional Children, Advisory Board meeting August 19-20, 2020

ADVISORY BOARD MEETING MINUTES

Name of Committee: Bureau of Indian Education Advisory Board for Exceptional Students

Meeting Location: Due to the COVID-19 pandemic and for the safety of all individuals the entire length of the Advisory Board meeting conducted online.

Meeting Presentation: The entire Board meeting was conducted online using a webinar platform and teleconference for those who were not able to access the meeting by computer.

Advisory Board Chair: Jennifer Davis, Designated Federal Officer (DFO) served as the Chairperson during this Board meeting.

FACA Regulations: As an advisory board to a federal agency, the Advisory Board falls under the requirements of the Federal Advisory Committee Act (FACA; 5 U.S.C., Appendix 2). FACA aims to ensure that the advice of federal advisory committees is objective and available to the public, and that the committees comply with cost control and recordkeeping requirements. The Advisory Board must comply with FACA regulations by:

- Making Advisory Board meetings open to the public,
- Publishing advance notice of upcoming meetings in the *Federal Register*,
- Recognizing a Designated Federal Officer (DFO) assigned by the BIE to support the Advisory Board,
- Ensuring that members avoid conflicts of interest, and
- Limiting membership terms.

Jennifer Davis, DFO was present during all meeting sessions to maintain compliance with the FACA regulations.

Day 1 - Wednesday, August 19, 2020

Start Time: 8:00 a.m. Pacific Daylight Time

Welcome, Opening Prayer, Call to Order, and Board Roll Call – completed by the DFO

1. Present - Brenda Anderson, Board Member (online attendance)
2. Present - Dr. Eudore Camata, Ed.D., Board Member (online attendance)
3. Present - Cynthia Frank, Board Member (online attendance)
4. Present - Marcy Oliver, Board Member (online attendance)
5. Present - Jennie Platerio, Board Member (online attendance)
6. Present - Dr. Harvey Rude, Ed.D., Board Member (online attendance)

7. Present - Norman Shawanokasic, Board Member (online attendance)
8. Present - John Struck, Board Member (online attendance)
9. Present - Gretchen Wendell, Board Member (online attendance)
10. Present - Rebecca Youngman, Board Member (online attendance)
11. Absent - Dr. Robin Blitz, M.D., Board Member (online attendance)
12. Absent - Teresa McMakin, Board Member
13. Absent - Katinee Shawanokasic, Board Member

- Present – Jennifer Davis, DFO (online attendance)
- Gallery: In attendance online. Names were obtain from individuals who signed-in online and provided their Name, Position title and School/Organization they represent.
    - Heather Bainbridge- Special Education Director, Tiospa Zina Tribal School,
    - Nina Smith, Continuous School Improvement Director, Santa Fe Indian School
    - Margo DeLaune, Acting Associate Deputy Director, Division of Performance & Accountability, BIE
    - Carol Steinsick- Aneth Community School Special Ed. Coordinator/ Teacher
    - Norman Shawanokasic Menominee Indian Tribe Keshena Wisconsin
    - Dr. Eugene Thompson, Supervisory Education Specialist, BIE/DPA
    - Dr. Cherie Poitra-ADD-TCS Special Education Program Specialist
    - Connie Albert, acting Associate Deputy Director for Tribally Controlled Schools
    - Deanna Lubarsky, Special Assistant DPA
    - Hazel Habasa - Special Education Teacher, Hopi Junior/Senior High School
    - Willetta George, Special Education Director, Lummi Nation School
    - Karen Malone, Curriculum, Instruction & Assessment Education Specialist, Navajo District
    - Dr. Regina Bitsoi School Improvement Specialist Navajo District Crownpoint ERC
    - Jordan Etcitty from the Dine Bi Olta School Board Association, Inc. (Navajo Region)
    - Deloria Chapo, Education Specialist-SI, Crownpoint ERC deloria.chapo@bie.edu
    - Eleanor Jones, Education Specialist, BIE/DPA
    - Benita McKerry, Native American Disability Law Center
    - Karen Smith from DCS Bloomfield NM
    - Dr. Tracia Jojola, Education Program Administrator-BOS, ABQ ERC
    - Darrick Franklin, Program Manager, Department of Dine' Education

Slide Presentation - provided by the DFO
- Mentioned the new BIE website
- Provided the Purpose of the Advisory Board Meeting
- Provided the Authorizations for the Advisory Board
- Provided Target Audience and Meeting Objectives
- Reviewed meeting agenda

Introduction of Board members
- Time was allotted for each board member to introduce themselves to the audience.

Old Business

- The Board reviewed the 2019 Annual Report.
    - Within the 2019 Annual Report the DFO read the BIE's Letter to the Advisory Board dated 9/17/2019 as requested by the Board. The Letter is written as a response to the 2018 Annual Report, which was placed in the 2019 Annual Report.
- Due to the limited time during the AM session, the Board will continue reviewing the 2019 Annual Report later today at 1:45 pm PDT. This will include reviewing the Board Minutes for November 13-15, 2019 and the New Business section.

BIE Central Office Update

- Starting at 9:00 am PDT, Tony Dearman, BIE Director provided BIE Updates.
- Reviewed the CARES Act funding provided to the BIE
    - Received $169 million $153 million from the Dept. of Interior appropriations and the Dept. of Education. Spending plans from BIE funded schools are being submitted by the schools to the BIE. The BIE continues to provide technical assistance helping the school develop their spending plans.
    - Start date move back to 9/16/20 to give time for schools to prepare. A Dear Tribal Leader Letter was sent to explain the reason for pushing the date back.
    - Boarding schools will provide day school instruction via online. Students will be sent laptops for remote learning.
    - State Assessment - for the BIE it is very difficult to work with 23 different states that follow different assessment programs. The BIE will have its own Assessment and Accountability system. The BIE is currently working on this endeavor. Tribes and Tribal Education Department School Boards have an opportunity to implement their own Assessment and Accountability system. This includes alternate assessment for the small subset of children with disabilities who are not taking the regular assessment.
    - The BIE's Strategic Direction - the BIE is moving forward with this endeavor. The plan is published on the BIE website. This is giving the BIE direction. The BIE will include tribal leaders to solicit feedback and potentially readjust the plan.
    - Vacancies - we still have a long way to go. The BIE will continue to work on vacancies to be filled. We have decreased the number of position vacancies and have matched the BIE's requirements with the different states. We are at 64% for our positions being filled within the BIE.
    - Barriers for DPA to be fully staffed - BIE position advertisements are only posted with USAJOBS; The BIE system can do a better job orienting new employees; The BIE Central Office is working the BIE Human Resource to help with advertising and hiring; BIE enforces Indian Preference for hiring. Incentives can be implemented by the schools such as recruitment and retention bonuses. In some cases relocation expenses are reimbursed and Star Awards are awarded for exemplary performance.

- How is the BIE prepared to meet the needs of children with disabilities during the pandemic? The BIE can work with the schools, BIE's DPA and the U.S. Dept. of Education to make sure we provide adequate support to the BIE funded schools.
- Special Education Secondary Transition topic was brought up by Dr. Camata, Board member. Dr. Thompson provided a response stating the federal Office of Special Education Program has imposed specific conditions on the BIE/Special Education Program to develop support for all 60 BIE funded high schools who are required to provide Special Education Secondary Transition programs.

Division of Performance and Accountability (DPA) Update

- No report was provided at the scheduled time at 9:45 am PDT. The Board requested Margo Delaune to provide a report/update later, possibly at 1:45 pm today.

BIE Special Education Program Update

- Dr. Eugene Thompson, Acting Supervisory Education Specialist for BIE Special Education Program provided the updates. His report ended at 12:00 pm PDT.
  - Provided information about the BIE's 2019 Child Count
  - Provided an overview of the General Supervision System for the BIE and provided a brief summary of the following items:
  - Monitoring Reports for SY16-17, SY17-18 and SY18-19
  - Monitoring for SY2020-2021
  - DMS Report
  - General Supervision System
  - GAO investigation of BIE Special Education
  - The Department of Education's specific determinations for the BIE
  - The BIE's IDEA Part B Grant Award for FFY2020 (SY20-21)
  - IDEA Vacancies
  - FFY 2018 APR
  - OSEP Determinations of BIE - Needs Intervention - 9 straight years
  - FFY 2018 Determinations in progress
  - FFY 2018 Public Reporting
  - FFY 2019 APR Data Collection in progress.

Continuation of the Board meeting

- The Board resumed at 1:00pm with roll call for the Board and transition to the Public Commenting Session.

Public Commenting Session

- A 30-minute commenting session was provided for the general public on 9/19/2020 starting 1:15 pm PDT and ending 1:45 pm PDT.
- Carol Steinsick, Aneth Community School - Special Education teacher expressed concerns regarding staffing issues on the Navajo Nation; training issues need to be addressed; lack of services to addressed required programs specified by IEP's. The

school must provide appropriate services, ensuring safety and without delay. BIE employment is a concern that requires more staff for tribal and BIE positions; Tribal communities served by BIE schools have economic issues and salaries are being lowered.

- Darrick Franklin, Department of Dine' Education Program Manager – Voiced various concerns for BIE funded schools located on the Navajo region.

Continuation of the Board meeting

- This section started at 1:45 pm and ended 3:30 pm PDT.
- The Board continued to work on unfinished items that had not been discussed during the morning AM time period. These items are Old and New Business:
- **Old Business**
- The Board reviewed the 2019 Annual Report. Dr. Eudore Camata made motion to accept; Jennie Platerio – 2nd – VOTE: 8 – YES; 0 NO; 1 Abstention.
- The Board meeting Minutes for November 13-15, 2019 Minutes were reviewed, and amended with minor editorial changes. Dr. Eudore Camata made motion to accept the Minutes; Jennie Platerio – 2nd - VOTE: 8 – YES; 0 NO; 1 Abstention;
- **New Business** - The DFO reported the following items:
    - April 1, 2021 there will be four additional vacancies. The terms for Board members Jennie Platerio, Marcy Oliver, Dr. Eudore Camata and Gretchen Wendell will end. Currently there are two vacant slots. The DFO will work to fill 2 current vacant positions and 4 upcoming pending vacant positions before April 1, 2021.
    - April 1, 2021 the Advisory Board Charter will expire. The DFO is working to ensure it is renewed before the expiration date.
    - February 28, 2021 the nomination form will expire. The DFO is working to ensure it is renewed before the expiration date.
    - The DFO is requesting the Board to determine the next Board meeting before the August 19-20, 2020 Board meeting ends.
    - The Board will need to come to consensus on recommending a Chairperson. The Board will also need to nominate a new Vice Chairperson and Secretary.
- The Board came to a consensus to recommend Norman Shawanokasic to serve as the next Chairperson for 3-years, the remainder of his Board term. Mr. Shawanokasic has eight (8) years of experience as a strong and motivated leader within his career.
- The Board nominated Gretchen Wendell as the Vice-Chairperson. A motion was made by Norman Shawanokasic to accept; Dr. Eudore Camata 2nd the motion. A vote of 8 = Yes; 0 = No; 1 = Abstention. It is noted Gretchen Wendell's terms expires on 4/1/2021. Ms. Wendell will serve as the Vice-Chair until her term expires. Thereafter another Vice-Chair will be nominated by the Board.
- The Board nominated Brenda Anderson as the Board Secretary. A motion was made by Marcy Oliver-Staff to accept; Dr. Eudore Camata 2nd motion. A vote of 8 = Yes; 0 = No; 1 = Abstention. It is noted Brenda Anderson will serve as the Secretary until her term expires on 4/1/2022. Thereafter, another Secretary will be nominated by the Board.

- The Board settled on their next meeting dates. Due to the COVID-19 situation and for the safety of all individuals the next two meetings will be conducted online. Two time periods of November 12 -13, 2020 and January 27-28, 2021 were selected as the next Advisory Board meeting dates.
- The Board continued their discussion regarding the state of the BIE funded schools during the pandemic? What obstacles have been identified that may prevent successful operations of schools? What is needed to support the success of affected schools (e.g. computers, laptops, supplies)?
- There was not enough time for the Board to work complete the 2020 Annual Report. This item will be addressed during day 2 of the meeting on 8/20/2020.

Meeting Recessed

- Jennie Platerio made the motion to recess the Advisory Board Meeting for 8/19/2020, Dr. Harvey Rude 2nd the motion, all unanimously approved to recess the board meeting. The Board meeting ended at 3:35 pm PDT.

Day 2 - Thursday, August 20, 2020

Start Time: 8:00 a.m. Pacific Daylight Time

Call to Order and Board Roll Call – completed by the DFO

1. Present - Brenda Anderson, Board Member (online attendance)
2. Present - Dr. Robin Blitz, M.D., Board Member (online attendance)
3. Present - Dr. Eudore Camata, Ed.D., Board Member (online attendance)
4. Present - Cynthia Frank, Board Member (online attendance)
5. Present - Marcy Oliver, Board Member (online attendance)
6. Present - Jennie Platerio, Board Member (online attendance)
7. Present - Dr. Harvey Rude, Ed.D., Board Member (online attendance)
8. Present - Norman Shawanokasic, Board Member (online attendance)
9. Present - John Struck, Board Member (online attendance)
10. Present - Gretchen Wendell, Board Member (online attendance)
11. Present - Rebecca Youngman, Board Member (online attendance)
12. Absent - Teresa McMakin, Board Member
13. Absent - Katinee Shawanokasic, Board Member

- Present – Jennifer Davis, DFO (online attendance)
- **Gallery:** In attendance online. Names were obtain from individuals who signed-in online and provided their Name, Position title and School/Organization they represent.
  - Delphina Shunkamolah, Education Program Specialist (IDEA)/DPA-Shiprock
  - Elrisa Naljahih-Sells, Education Specialist School Improvement, Chinle ERC
  - Dr. Deborah Holgate, Education Specialist - School Improvement, Chinle ERC, Navajo District, BIE.

- Zonnie Sombrero, Education Specialist - Division of Performance and Accountability.
- Dr. Eugene Thompson, Supervisory Education Specialist, BIE/DPA
- Dr. Cherie Poitra-ADD-TCS Special Education Program Specialist
- Kodie Largo, Navajo Region
- Evangeline Bradley-Wilkinson, Education Specialist-School Improvement; Tuba City ERC Navajo District
- Pamela Mason, Education Specialist School Improvement, Window Rock ERC
- Deloria Chapo, Education Specialist- School Improvement, Crownpoint ERC, NM
- Carol Steinsick- Aneth Community School Special Ed. Coordinator/ Teacher
- Heather Bainbridge, Special Education Director, Tiospa Zina Tribal School
- Gloria Yepa, Education Specialist (IDEA), ADD/BOS
- Margo Delaune, Acting Associate Deputy Director, DPA
- Reanna Albert- Minneapolis ERC
- Dr. Jeannie Kee-Parsons, Red Rock Day School - Principal
- Rhonda Bigman, Kaibeto Boarding School - Special Education

Special Education Updates

- Special Education updates were provided by a representative from each BIE Associate Deputy Director (ADD's) Office. A 30-minute presentation was provided from each region.
- The 3 ADD regions presented in this order:
    - Tribally Controlled Schools
    - Bureau Operated Schools
    - Navajo Region Schools

<u>Tribally Controlled Schools</u> - started at 8:30 a.m. PDT

- Dr. Cherie Poitra, Education Specialist (Special Education), Presenter
- There are currently ninety-seven (97) Tribally Controlled Schools (TCS) within the Education Resource Center (ERC) team networks of Albuquerque, Nashville, Seattle, Minneapolis, Flandreau, Kyle and Bismarck. The 97 TCS's are all spread out across the United States and represent schools under the direction of individual Tribal Governments which have chosen to exercise their self-determination rights through a process of self-governance.
- The BIE-TCS Department has had many changes within the past year. The department is in the process of hiring a new ADD, but this vacancy has created many terms of acting ADD's. Ms. Poitra was in the acting role for 8 months; therefore serving in dual roles. Connie Albert's detail started on August 10, 2020
- August 2019 there were 12 vacant positions to be filled within the TCS region:
    - ADD-Education Program Specialist(Curriculum, Instruction, Assessment)
    - ADD- Residential Life Specialists
    - ADD- Education Program Specialist (Cultural, Native Language, History)
    - 2 Education Program Administrator – Minneapolis and Albuquerque ERC's
    - 2 School Board Specialist

    - 5 School Improvement Specialist
- August 2020 all vacant positions have been filled.
- The TCS has submitted a request for new positions - ADD Assistant and 4 Special Education Specialists.
- Tribally Controlled Schools currently do not receive BIE HR support. As Tribally Grant Schools they receive individual funding to support their local decisions and hires.
- TCS administrative team recognize the difficulties in recruiting highly qualified providers. Staff are strategizing on how BIE can better support our TCS school leaders
- TCS has identified 3 target areas: Targeted Support and Improvement (TSI) schools,
    - Special Education
    - Gifted & Talented
    - English Language Program
- TCS top priority is partnerships; therefore, the focus is on building strong partnerships. The TCS leadership understands that without trusting relationships, efforts would not be successful.
- Cohesion- We are a TEAM! Tribally Controlled Schools are building collaborative, trusting, loyal and solid relationships.
    - Building internal unity (TCS, BIE departments, Leadership team, etc.)
    - Regional School Leader Calls
- School Support- based on needs assessment and individualized plans
- ADD-TCS has revised ISEP monitoring practices and protocols.
- TCS are very unique in regards to contracting services. Their practices vary from Tribe-Tribe, which involve various complexities.
- COVID -19 impacts for students with Special Needs
    - Connectivity
    - Related Service Providers
    - Parent Concerns (health & safety)
    - Providing specialized services
    - Transportation
- TCS Special Education Reopening TA
    - Individual plans (ERC Regional and Individual Sessions)
    - Thinking outside the box!
    - Stakeholder engagement to ensure compliance
    - Document, Document, Document & do the best you can!

Bureau Operated Schools - started at 9:00 a.m. PDT

- Gloria Yepa, Education Specialist, Presenter
- ADD BOS Education Specialists are employed in the following specializations: Curriculum, Instruction, and Assessment; Language, Culture and History; Residential Life Program; and the Special Education Program
- Education Resource Center Education Program Administrators are: Dr. Tracia Jojola - Albuquerque, NM; Dr. Maxine Roanhorse-Dineyazhe -Phoenix, AZ; Casey Sovo -Belcourt, ND; and Lora Braucher -Pine Ridge, SD

- ADD BOS has 22 schools (7 High Schools and 1 Dormitory-Only) within their region.
- The Education Specialist for Special Education works in collaboration with the Education Program Administrators and the School Improvement Specialists at the Education Resource Centers; as well as the School Principals and the School Special Education Coordinators by providing the following services:
    - Consultation
    - Technical Assistance
    - School Self-Assessment (school special education program)
- Consultation for Bureau Operated Schools – provide professional or technical advice in the following areas:
    - COVID 19 and special education services
    - FERPA and educational records
    - IDEA/Section 504 and residential programs
    - Related Services
    - Least Restrictive Environment and residential placements
    - Parent Rights
- POSITIVES at the end of SY 2019-2020, included the following:
    - No schools identified as "at risk" to receive fiscal monitoring
    - ISEP Special Education Review showed schools have compliant IEPs, made corrections if there were noncompliance indicators
    - An increase in the number of filled special education teacher vacant positions
    - All related services contracts were awarded and students received services
- At the end of SY 2019-2020, the Bureau Operated Schools demonstrated a to improve in general education and special education programs to work more collaboratively in such areas as:
    - Child Find – screen all newly enrolled students and students in every other grade thereafter (K, 1, 3, 5, 7, 9, 11); vision, hearing, motor, language, behavior
    - Student Assistant Teams – utilize school-wide interventions that are best practices
    - School-wide supports (positive behavior supports, restorative justice, trauma-informed strategies)
    - Initiate staff retention and recruitment programs, such as Dual Certification, Grow Your Own
    - IEP meetings, shared responsibilities, particularly at the smaller schools, assist the school special education teacher with such tasks as, meeting facilitation and note-taking.
    - Share designating substitute teachers – to ensure that special education staff have adequate time for responsibilities to provide specialized instruction and services to SWD
    - Increase collaboration with ADD BOS Specialists, Education Program Administrators, School Improvement Specialists in such areas as:
        - Data analysis for school improvement
        - Recruitment and retention
        - Professional Development

- Increase collaboration with Division of Performance and Accountability in such areas as:
  - Development of processes and procedures
  - Assessments
  - Recruitment and Retention
  - Data Analysis (Annual Performance Report, Level of Determination, Monitoring Results)
  - Technical Assistance and Professional Development

Navajo Region Schools - was scheduled to start at 9:30 a.m. PDT

- A report/update was not provided. The Navajo Region ADD will be contacted to provide their report/update during the next Board meeting on September 30, 2020.

Public Commenting Session

- A 30-minute commenting session was provided for the general public on 9/20/2020 starting 10:20 am PDT and ending 10:50 am PDT.
- Carol Steinsick, Aneth Community School - Special Education teacher again expressed her concerns regarding staffing issues for the BIE schools within her surrounding area. BIE employment is a concern based on documented needs for more staff.

Continuation of the Board meeting

- The Board members continued to work on the 2020 Annual Report during the time period between 10:50 am through 3:30 pm PDT.

Lunch Break (Starting at 12:00 pm to 1:00 pm PDT)

Continuation of the Board meeting

- Starting at 1:00 pm PDT the Board continued to work on the 2020 Annual Report.
- While working on the 2020 Annual Report the following are some topics developed and discussed during this time period involved:
  - Effective implementation of BIE system(s) workforce plan
  - Retention and Recruitment of staff
  - Professional development
  - Consistency of implementation
  - Establishing consistent requirements for schools on making up missed special education and related services;
  - Developing a consistent reporting policy for all BIE schools, to include assistance in compiling annual reports from all BIE schools;
  - High risk monitoring
  - Coordination of Special Education Services to include effective communication collaboration, and transparency across the BIE system;
  - Support for Tribal Sovereignty tribal education initiatives;
  - Development and implementation of the BIE coordinated service plan;

- At the end of the meeting, the 2020 Annual Report was not finalized. The Board will need to continue working on the 2020 Annual Report during the next scheduled Advisory Board meeting. The Annual Report will be finalized during the next board meeting.

Board meeting Adjourned

- Dr. Eudore Camata made the motion to adjourn the Advisory Board Meeting, Gretchen Wendell 2nd the motion, unanimously approved by the Board meeting to adjourn. The Board meeting ended at 3:35 pm PDT.